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STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Succession and accession of States to international human rights treaties

Report of the Secretary-General

Introduction

1. The Commission on Human Rights at its forty-ninth session adopted resolution 1993/23 of 5 March 1993, entitled "Succession of States in respect of international human rights treaties", in which it encouraged successor States to confirm to appropriate depositaries that they continued to be bound by obligations under relevant international human rights treaties. In that resolution also, the Commission expressed its satisfaction that some successor States had already confirmed their succession to international human rights treaties to which the predecessor States were parties or had become parties to such treaties to which the predecessor States were not parties. It urged successor States that had not yet done so to accede to or ratify those international human rights treaties to which the predecessor States were not parties, and requested the Secretary-General to render advisory services with respect to the succession or accession to international human rights treaties of successor States which were members of the United Nations and to report to the Commission on Human Rights at its fiftieth session in regard to action taken.

GE.93-85704 (E)

2. The present report contains a compilation of information on this subject received by the Secretary-General.

A. Former Union of Soviet Socialist Republics

3. On 21 October 1991, the Government of Estonia deposited with the Secretary-General the instruments of accession of Estonia to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights and the Optional Protocol thereto, adopted by the General Assembly on 16 December 1966. These instruments entered into force for Estonia on 21 January 1992.

4. On 20 November 1991, the Secretary-General received the instruments of accession of Lithuania to the Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights. The instruments contained no reservations or declarations.

5. On 14 April 1992, the Secretary-General received the instruments of accession of Latvia to the following treaties:

Convention on the Prevention and Punishment of the Crime of Genocide;

International Convention on the Elimination of All forms of Racial Discrimination;

International Covenant on Economic, Social and Cultural Rights;

International Covenant on Civil and Political Rights;

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;

International Convention on the Suppression and Punishment of the Crime of Apartheid;

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

International Convention against Apartheid in Sports;

Convention on the Rights of the Child.

The instruments contained no reservations or declarations.

6. On 20 July 1992, the Secretary-General received a declaration by Ukraine recognizing the competence of the Human Rights Committee to receive and consider communications submitted by another State party under article 41 of the International Covenant on Civil and Political Rights.

7. On 13 August 1992, the Secretary-General received the instruments of accession of Azerbaijan to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

8. On 26 January 1993, the Secretary-General received the instruments of accession of the Republic of Moldova to the following treaties:

Convention on the Prevention and Punishment of the Crime of Genocide;

International Convention on the Elimination of All Forms of Racial Discrimination;

International Covenant on Economic, Social and Cultural Rights;

International Covenant on Civil and Political Rights;

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;

Convention on the Rights of the Child.

9. The Human Rights Committee, established under the International Covenant on Civil and Political Rights, informed the following successor States, on 28 May 1993, that they were bound, as of the date of their independence, by the obligations flowing from the Covenant: Armenia (21 September 1991), Georgia (9 April 1991); Kazakhstan (16 December 1991); Kyrgyzstan (31 August 1991), Tajikistan (9 September 1991); Turkmenistan (27 October 1991); Uzbekistan (31 August 1991).

10. On 23 June 1993, the Secretary-General received the instruments of ratification of Armenia of the following treaties:

Convention on the Prevention and Punishment of the Crime of Genocide;

International Convention on the Elimination of all Forms of Racial Discrimination;

International Covenant on Civil and Political Rights;

Optional Protocol to the International Covenant on Civil and Political Rights;

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;

International Convention on the Suppression and Punishment of the Crime of Apartheid;

Convention on the Rights of the Child.

B. Former Yugoslavia

11. The Government of the Republic of Slovenia informed the Secretary-General, on 1 July 1992, that the Republic of Slovenia considered itself bound, since declaring independence on 25 June 1991, by 55 multilateral treaties by virtue of succession to the Socialist Federal Republic of

Yugoslavia. On 6 July 1992, the Secretary-General received the instruments of succession of the Republic of Slovenia to the following human rights treaties:

Convention on the Prevention and Punishment of the Crime of Genocide;

International Convention on the Elimination of All Forms of Racial Discrimination;

International Covenant on Economic, Social and Cultural Rights;

International Covenant on Civil and Political Rights;

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;

International Convention on the Suppression and Punishment of the Crime of Apartheid;

Convention on the Rights of the Child.

12. In addition, the Republic recognized the competence of the Human Rights Committee, under article 41 of the International Covenant on Civil and Political Rights, to receive and consider communications submitted by another State party.

13. The Government of the Republic of Slovenia made a reservation to the Convention on the Rights of the Child in the following terms:

"The Republic of Slovenia reserves the right not to apply paragraph 1 of article 9 of the Convention since the internal legislation of the Republic of Slovenia provides for the right of competent authorities (centres for social work) to determine on separation of a child from his/her parents without a previous judicial review."

14. No reservations or declarations were made by the Republic of Slovenia in respect of the other treaties mentioned above.

15. In a separate development, the Human Rights Committee, acting under article 40, paragraph 1 (b) of the Covenant on Civil and Political Rights, on 7 October 1992 requested the Governments of the Republics of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to report to the Committee by 30 October 1992 on issues relevant to the Covenant in respect of persons and events now coming under their respective jurisdictions. The three Governments subsequently submitted reports in conformity with that request (CCPR/C/87-89), which were considered by the Human Rights Committee at its forty-sixth session in October/November 1992.

16. The Government of the Republic of Croatia informed the Secretary-General on 9 October 1992 that it considered itself a party, by virtue of succession, with effect from 8 October 1991, to 20 international conventions.

Subsequently, the Secretary-General, on 12 October 1992, received the ratification of succession of the Republic of Croatia to the following human rights treaties:

Convention on the Prevention and Punishment of the Crime of Genocide;

International Convention on the Elimination of All Forms of Racial Discrimination;

International Covenant on Economic, Social and Cultural Rights;

International Covenant on Civil and Political Rights;

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;

International Convention on the Suppression and Punishment of the Crime of Apartheid;

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

International Convention against Apartheid in Sports;

Convention on the Rights of the Child.

17. In related development, the Committee on the Elimination of Racial Discrimination adopted a decision on 19 March 1993 encouraging the Government of the Republic of Bosnia and Herzegovina to confirm to the Secretary-General that it continued to be bound by the obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. In the same decision, it requested the Governments of Yugoslavia (Serbia and Montenegro), Croatia and Bosnia and Herzegovina to submit further information to the Committee by 31 July 1993 on the implementation of the Convention. The Government of Bosnia and Herzegovina submitted information on 29 July 1993 in conformity with that request (CERD/C/247).

18. On 1 September 1993, the Secretary-General received the instruments of succession of Bosnia and Herzegovina to the following human rights treaties, with effect from 6 March 1992:

Convention on the Prevention and Punishment of the Crime of Genocide;

International Covenant on Economic, Social and Cultural Rights;

International Covenant on Civil and Political Rights;

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;

International Convention on the Suppression and Punishment of the Crime of Apartheid;

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

International Convention against Apartheid in Sports;

Convention on the Rights of the Child.

19. With respect to the International Covenant on Civil and Political Rights, the Government of Bosnia and Herzegovina made the following declaration:

"The Republic of Bosnia and Herzergovina in accordance with article 41 of the said Covenant, recognizes the competence of the Human Rights Committee to receive and consider communications submitted by another State party to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant."

20. Regarding the Convention on the Rights of the Child, the Government made the following reservation:

"The Republic of Bosnia and Herzegovina reserves the rights not to apply paragraph 1 of article 9 of the Convention since the internal legislation of the Republic of Bosnia and Herzegovina provides for the right of competent authorities (guardianship authorities) to determine on the separation of a child from his/her parents without a previous judicial review."

C. Former Czechoslovakia

21. On 22 February 1993, the Secretary-General received the instruments of succession of the Czech Republic to the following treaties:

Convention on the Prevention and Punishment of the Crime of Genocide;

International Convention on the Elimination of All forms of Racial Discrimination;

International Covenant on Economic, Social and Cultural Rights;

International Covenant on Civil and Political Rights;

Optional Protocol to the International Covenant on Civil and Political Rights;

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;

International Convention on the Suppression and Punishment of the Crime of Apartheid;

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

International Convention against Apartheid in Sports;

Convention on the Rights of the Child.

The instruments were accompanied by a declaration to the effect that "... the Czech Republic considers itself to be bound by these treaties as well as by all reservations and declarations to them by virtue of succession as of 1 January 1993."

22. On 28 May 1993, the Secretary-General received the instruments of succession of Slovakia to the following treaties:

Convention on the Prevention and Punishment of the Crime of Genocide;

International Convention on the Elimination of All Forms of Racial Discrimination;

International Covenant on Economic, Social and Cultural Rights;

International Covenant on Civil and Political Rights;

Optional Protocol to the International Covenant on Civil and Political Rights;

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;

International Convention on the Suppression and Punishment of the Crime of Apartheid;

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

Convention on the Rights of the Child.

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